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WITHOUT PREJUDICE

November 10, 2021

VIA EMAIL

Mr. Ray Kallio
Solicitor, Planning & Administrative Tribunal Law
City of Toronto, Legal Services Division
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Mr. Kallio:

**RE: 2650 St. Clair Avenue West
Applications for Official Plan Amendment, Zoning By-law Amendment and
Draft Plan of Subdivision Approval
City File Nos. 18 208427 WET 11 OZ, 18 208431 WET 11 SB, 20 196724 WET
05 OZ
LPAT Case Nos. PL200157, PL200158, PL210135
Offer to Settle**

We are the lawyers for 1386073 Ontario Inc. ("**Dunpar**"), being the owner of the properties municipally known as 2650-2672 St. Clair Avenue West (collectively, the "**Property**").

This Offer to Settle is being made in respect of the above-noted applications filed by Dunpar for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval (collectively, the "**Applications**"), which are the subject of the above-noted appeals (OLT Case Nos. PL200157, PL200158 and PL210135, collectively, the "**Appeals**") before the Ontario Land Tribunal (the "**Tribunal**").

The Appeals are scheduled to proceed to a 9-day hearing commencing on November 29, 2021 (the "**Hearing**").

The Revised Proposal

Following a series of comments received through the circulation process, discussions with City Staff, and a formal mediation process, our client filed a revised proposal on October 14, 2021 as set out in the architectural plans and drawings dated October 14, 2021 and enclosed herewith (the "**October 14th Proposal**"). A high-level summary of the changes to the original proposal is described as follows:

- a reduction of the total number of units to 96, with 1 parking space per unit, and a total site GFA of 15,422 square metres, organized amongst 6 main blocks of units;
- the provision of a private north-south private road to connect St. Clair Avenue West to the existing public laneway, consistent with the OPA Application;
- the provision of a new centrally located public park and a privately-owned publicly accessible space (“**POPS**”) area that would front onto the public laneway;
- the provision of a vehicular and pedestrian public access easement over the private north-south road; and,
- the provision of a public access easement for pedestrian access to the proposed park and POPS from Esposito Crescent through walkways.

The City subsequently confirmed on November 1, 2021 that it would not be seeking an onsite parkland dedication in this instance.

City Transportation Staff further provided comments to our client’s transportation consultant seeking modifications to the October 14th Proposal to incorporate additional pedestrian walkways and cross-walks in various locations on the Site.

In response to these comments, our client is prepared to settle the Appeals on the basis of the following revisions described below, with the transportation related modifications illustrated on the attached Sketch dated November 10, 2021 (the “**Sketch**”):

- The Proposal will contain a total of 96 units, arranged in Blocks A, B, C, D, E and F.
- The Proposal will provide a centrally located POPS in the same location as the proposed park shown on the October 14th Proposal (with a public access easement in favour of the City).
- The building envelope of the easterly blocks have been setback further from the east property line to accommodate a 2.1 metre walkway. Specifically, a 2.1 metre wide pedestrian connection (shown in orange) will run as a “loop” along the entire perimeter of the Site, between the southeast and southwest sides of St. Clair Avenue West.
 - This connection provides additional pedestrian circulation from Esposito Crescent (at the north), to the commercial building and St. Clair Avenue West (to the south) on the south-east side of the commercial building.
 - This connection includes a cross walk between the south-east corner of Block C to the pedestrian connection on the east side of the commercial building.
- The buildings will be further setback from the curbs adjacent to the fire route, specifically units 16 and 33 to provide a minimum 0.5 metre separation between the building and the curb in these locations.
- A north-south 1.5-metre-wide pedestrian connection along the west side of the fire route between Blocks B and C and D and E will be incorporated (shown in blue) to provide connectivity to the POPS north of the fire route.

In all other respects, the October 14th Proposal will remain as shown (e.g. building heights, minimum facing distances between townhouses) in conformity with SASP 540. While the above changes are generally described, and as it pertains to the transportation-related matters shown in a sketch-format, the architectural plans for the October 14th Proposal will be updated to incorporate these revisions (the “**Settlement Proposal**”).

As part of our discussions, Dunpar has agreed that if the Settlement Proposal is approved by City Council, the parties will jointly present the Settlement at the Hearing and advise that prior to the Tribunal Order issuing, matters pertaining to servicing, community benefits (s.37 contribution or community benefits charge) and landscaping will be resolved prior to the final Order issuing. In this regard, the parties are reserving their rights on the positions that may be advanced in respect of, for example, whether the proposal is or should be subject to a community benefits requirement under Section 37 of the Planning Act, but the parties will work in good faith to address this issue as a matter of implementation of the Settlement Proposal and will retain the option to speak to this issue before the Tribunal if that becomes necessary.

If the Settlement Proposal is accepted by the City, the parties agree that the Dunpar (as the Applicant) will lead land use planning evidence in support thereof.

In advance of the Hearing, the parties will work together to resolve the final form of the implementing instruments (Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Conditions of Draft Plan Approval), or alternatively propose to the Tribunal that it impose preconditions for these matters to be resolved before the final Tribunal Order issues.

This Settlement Offer is open until November 11, 2021, following which it will become null and void if not accepted. In this regard, the Settlement Offer is being submitted for consideration by City Council at its meeting on November 10, 2021. If the Settlement Offer is accepted, Dunpar consents to the Settlement Offer and City Council's consideration thereof being made public.

Yours truly,
Overland LLP



Per: Daniel B. Artenosi
Partner

Encl.

